



INTERNATIONAL SECURITY AFFAIRS

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

31 JAN 1970

In reply refer to:
I-20516/70

MEMORANDUM FOR MR. PACKARD

SUBJECT: Ratification of Geneva Protocol of 1925

NSDM 35 provides that the Administration will submit the Geneva Protocol of 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare to the Senate for its advice and consent to ratification. It directs the Department of State in coordination with the Department of Defense to prepare the necessary papers to this end.

During the course of drafting those papers differences of opinion arose between State and Defense which require further decisions by the President on the implementation of NSDM 35 before the papers can be put in final form. Three weeks ago, State planned to send a unilateral memorandum to the President requesting his decisions and advising him that Defense would submit its own memorandum on the issues. A copy of their proposed memorandum was furnished for our information. At our request, they agreed to convert their memorandum into a joint State-Defense-ACDA memorandum if our comments on their draft were furnished expeditiously.

The State draft was circulated by the General Counsel within Defense for comment to me, the JCS, the Secretaries of the Military Departments, the DDR&E, the ASD/PA, and the ATSD/LA. Based on these comments, the Assistant General Counsel (International Affairs) and the Legal Advisor of the Joint Staff collaborated with State and ACDA officials in the preparation of the draft joint State-Defense-ACDA memorandum, dated 22 January 1970, which is attached at Tab A.

Transmittal of the joint memorandum to Mr. Rogers for forwarding by him to the President has been held up by his staff pending Mr. Laird's review and approval. Mr. Laird has instructed me that, for procedural reasons, he wishes to have the issues raised by the joint memorandum considered by the Under Secretaries Committee and that he sees no reason why these issues should be handled outside the NSC mechanism.

Sec. Def. Cont. Nr.

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DOES NOT APPLY

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DECLASSIFIED
PA/HO Department of State
E.O. 12958, as amended
August 6, 2007

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I have accordingly prepared, and recommend you sign, the letter to Mr. Richardson at Tab B requesting him to place the matter on the agenda of the Under Secretaries Committee.

William French Smith

Atts
Tabs A & B

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